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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,656	11/10/2003	Michael D. Potter	2420/122	6139
7590	05/20/2005		EXAMINER	
Nixon Peabody LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051			TAMAI, KARL I	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)
	10/705,656	POTTER, MICHAEL D.
	Examiner	Art Unit
	Tamai IE Karl	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 4/15/2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 11/10/03.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7-11, 17-21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Iwamatsu (JP 02-219478). Iwamatsu teaches a power system with a rotor having two sections (-/+) which rotate on a shaft between parallel electrodes 2 to generate a DC power when the – section is closer to the lower electrode and when the + section is closer the upper electrode in figure 1. The negative charge section inherently having electrons. It is inherent that the generator is connected to a load. Figure 3 shows the rotor may be constructed of four sections.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamatsu (JP 02-219478), in further view of Ito et al. (Ito)(JP 08-308258).

Iwamatsu teaches every aspect of the invention except the propeller/turbine mechanical energy converter to rotate the shaft. Ito teaches a propeller/turbine rotating the rotor to generate electricity in a waterflow. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the generator of Iwamatsu with the propeller/turbine of Ito to generate electricity from the flow of water.

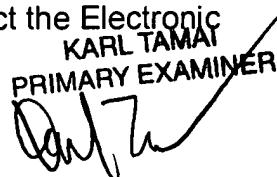
7. Claims 5, 6, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamatsu (JP 02-219478) and Spence (US 3,786,495). Iwamatsu teaches every aspect of the invention except a charge being at the junction of two insulating layers. Spence Teaches an electrostatic charge being stored being insulating layers 14 and 16, of silicon oxide and silicon nitride. It would have been obvious to a person of ordinary skill in the ad to construct the electrostatic generator of Iwamatsu with the insulating layers of Spence to create a large charge density.

Art Unit: 2834

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamatsu (JP 02-219478) and Wahlstrom (US 4126822). Iwamatsu teaches every aspect of the invention except storing the outputted potential. Wahlstrom teaches electrostatic generators are used to store/recharge watch batteries. It would have been obvious to a person of ordinary skill in the ad to construct the electrostatic generator of Iwamatsu with the battery of Wahlstrom to prolong the life a device with a battery.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (571) 272 - 2036. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (703) 872 - 9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KARL TAMAI
PRIMARY EXAMINER

Karl I Tamai
PRIMARY PATENT EXAMINER
May 13, 2005
Cited references: JP: 02-219478, 08-308258; US: 3,786,495; 4126822